

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

ERRANT GENE THERAPEUTICS, LLC,

Plaintiff,

v.

MEMORIAL SLOAN KETTERING CANCER  
CENTER and SLOAN KETTERING INSTITUTE

Defendants.

---

Case No. 21-cv-8206 (VSB)

**DECLARATION OF ROBERT J. GUNTHER, JR. IN SUPPORT OF  
DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

I, Robert J. Gunther, Jr., declare as follows:

1. I am an attorney at the law firm Wilmer Cutler Pickering Hale and Dorr, LLP, counsel for Memorial Sloan Kettering Cancer Center and Sloan Kettering Institute (together, "Sloan Kettering") in the above-captioned matter. I am familiar with the facts set forth herein, and if called as a witness, I could and would testify competently to those facts under oath.

2. I submit this declaration in support of Sloan Kettering's Memorandum of Law in Opposition to Plaintiff's Motion for Leave to File a Second Amended Complaint.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Memorandum Opinion by The Honorable Richard G. Andrews dated July 26, 2022 (D.I. 75), *San Rocco Therapeutics, LLC v. bluebird bio, Inc., et al.*, C.A. No. 21-1478-RGA (D. Del. July 26, 2022).

4. Attached hereto as Exhibit 2 is a true and correct copy of the letter from Anne Shea Gaza (Counsel for SRT) to The Honorable Richard G. Andrews dated July 26, 2022 (D.I.

77), *San Rocco Therapeutics, LLC v. bluebird bio, Inc., et al.*, C.A. No. 21-1478-RGA (D. Del. July 26, 2022).

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert J. Gunther, Jr.  
Robert J. Gunther, Jr.

Executed on July 28, 2022 in New York, New York